

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): James J. deBlanc; et al

Confirmation No.: 9663

Application No.: 10/646,512

Examiner: Ullah, Akm E.

Filing Date: Aug 23, 2003

Group Art Unit: 2874

Title: Methods and Apparatus for Selectively Coupling Optical Paths

Mail Stop
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- () Response/Amendment () Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
() No additional fee
(X) Other: Response to Restriction Requirement (fee \$)

| CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY | | | | | | |
|--|--|------------------------|--|-------------------------|-------------|---------------------------|
| (1) FOR | (2) CLAIMS REMAINING AFTER AMENDMENT | (3) NUMBER EXTRA | (4) HIGHEST NUMBER PREVIOUSLY PAID FOR | (5) PRESENT EXTRA | (6) RATE | (7) ADDITIONAL FEES |
| TOTAL CLAIMS | 30 | MINUS | 30 | = 0 | X \$50 | \$ 0 |
| INDEP. CLAIMS | 2 | MINUS | 3 | = 0 | X \$200 | \$ 0 |
| [] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM | | | | | + \$360 | \$ 0 |
| EXTENSION FEE | 1ST MONTH \$120.00 | 2ND MONTH \$450.00 | 3RD MONTH \$1020.00 | 4TH MONTH \$1590.00 | | \$ 0 |
| OTHER FEES | | | | | | \$ |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT | | | | | | \$ 0 |

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

Respectfully submitted,

James J. deBlanc; et al.

By William D. Davis

William D. Davis

Attorney/Agent for Applicant(s)

Reg. No. 38,428

Date: July 14, 2005

Date of Deposit: July 14, 2005

Typed Name: William D. Davis

Signature: William D. Davis

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200206166-1

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

James J. de Blanc

Application No: 10/646,512

Filed: August 23, 2003

For: METHODS AND APPARATUS
FOR SELECTIVELY COUPLING
OPTICAL PATHS

Examiner: Ullah, Akm E.

Art Unit: 2874

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on

July 14, 2005

Date of Deposit

William D. Davis

William D. Davis

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement dated JUNE 14, 2005, applicant elects Group II including claims 20-30 with traverse.

Although the Examiner has cited MPEP § 806.05(G) "Apparatus and Product Made", the Examiner has not divided the claims into groups explicitly defined by an apparatus and a product made.

The Examiner's own groupings indicate that claim 1 is drawn to a method of fabricating an optical cross connect and that claim 20 is drawn to an optical cross connect apparatus. Thus one group is drawn to a process of making and the other group is drawn to an apparatus or product made.

A product defined by the process by which it can be made is still a product claim (see, MPEP § 806.05(F) citing In re Bridgeford, 357 F.2d 679, 149 USPQ 55 (CCPA 1966)). However, the Examiner is obligated to demonstrate